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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,833	06/05/2001	Carl Taussig	10003477	7789

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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Port Collins, CO 80527-2400

EXAMINER

CHOI, WOO H

ART UNIT PAPER NUMBER

2189

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/875,833

Applicant(s)

TAUSSIG ET AL.

Examiner

Woo H. Choi

Art Unit

2189

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10,12,14-16,28,36 and 38-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1-10,12,14-16 and 39 is/are allowed.
- 6) ☒ Claim(s) 40 and 41 is/are rejected.
- 7) ☒ Claim(s) 28,36 and 38 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 28, 36 and 38 are objected to because of the following informalities: The limitation “at least one picture” should be added after “the digital camera representing” in line 10 of claim 28. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hiramatsu *et al.* (US Patent Application Publication No. 2002/0085112, hereinafter “Hiramatsu”) in view of Kawaoka *et al.* (US Patent No. 6,801,251, hereinafter “Kawaoka”).

Hiramatsu discloses a method for storing image data for a digital camera, comprising:
obtaining image data generated by the digital camera representing at least one picture;
storing said image data in a temporary data storage circuit (figure 5, 2, see page 3,
paragraph 62) coupled to the digital camera;

monitoring the amount of time that said image data is held in the temporary data storage circuit;

after said image data is held in the temporary data storage circuit for a predetermined time period, transferring said image data from said temporary data storage circuit to a permanent data storage circuit (memory 7 is a permanent part of the digital camera) coupled to the digital camera (page 4, paragraphs 72 and 73, the image is held for a predetermined time T1 before being transferred to the memory 7); and

wherein said image data is transferred from said temporary data storage circuit to said permanent data storage circuit after the predetermined time period if an erase command is not received during the predetermined time period (the transfer occurs independent of any erase command, i.e., transfer occurs if an erase command is not received and occurs if an erase command is received).

However, Hiramatsu does not specifically disclose monitoring whether an erase command is received. On the other hand, Kawaoka discloses monitoring of an erase command (col. 12, lines 23 – 26). It would have been obvious to one of ordinary skill in the art, having the teachings of Hiramatsu and Kawaoka before him at the time the invention was made, to adopt the image synthesis teachings of the digital camera of Kawaoka in the digital camera of Hiramatsu, in order to be able to synthesize composite images for use on special occasions such as weddings (Kawaoka, col. 1. lines 14 – 24).

4. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Niikawa *et al.* (US Patent Application Publication No. 2001/0043279, hereinafter “Niikawa”) in view of Suemoto *et al.* (US Patent Application Publication No. 2002/0018130, hereinafter “Suemoto”).

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Niikawa discloses a data storage system for a portable data generating appliance comprising (figure 6):

a temporary data storage circuit (figure 6, 209) coupled, in use, to receive data from the appliance, where the temporary data storage circuit has a storage capacity sufficient to store data comprising at least one picture from the appliance (page 5, paragraph 82), wherein the appliance is a digital still camera and the storage capacity is sufficient to store data comprising substantially one picture from the digital still image camera;

a permanent data storage circuit (8) coupled, in use, to receive data from the temporary data storage circuit (page 6, paragraph 102); and

a control circuit coupled to the temporary data storage circuit and the permanent data storage circuit, wherein the control circuit monitors the amount of time that data held in the temporary storage circuit and, after data is held in the temporary data storage circuit for a predetermined time period, causes the data to be transferred to the permanent data storage circuit (page 5, paragraph 82, after the image capturing the image is held for a predetermined time, see also figure 8, S4, paragraph 110).

However, Niikawa does not specifically disclose that the temporary data storage circuit comprises RAM. On the other hand, Suemoto discloses that digital cameras use RAM for memory. It would have been obvious to one of ordinary skill in the art, having the teachings of Niikawa and Suemoto before him at the time the invention was made to use RAM in the digital camera of Niikawa as taught by Suemoto, because RAM is relatively inexpensive (Suemoto, page 3, paragraph 52).

Response to Arguments

5. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

6. Claims 1 – 11, 12, 14 – 16 and 39 are allowed.

7. Claim 28 is objected to for informalities, but would be allowable along with its dependent claims 36 and 38, if rewritten to remove the noted informality without changing the scope of the claim.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Woo H. Choi whose telephone number is (571) 272-4179. The examiner can normally be reached on M-F, 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Kim can be reached on (571) 272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Woo H. Choi
October 31, 2005